

# DRAWING A LINE

BirdLife Australia's

**Andrew Hunter** reflects on one of the world's first conservation treaties—the Ramsar Convention—and how the future of this 49-year-old agreement, and those of the birds it seeks to protect, could rest on whether or not a luxury marina and apartment complex is allowed to destroy important migratory shorebird habitat in Australia.

A mountainous spa town on Iran's Caspian Sea, once a favoured holiday spot of the Shah, seems a very, very long way from a subtropical mudflat dotted with mangroves off the coast of Brisbane. But though they couldn't seem more different, what they share are landscapes that support an abundance of migratory birdlife—places for birds to stop awhile to refuel on their boundless travels across countries, continents and hemispheres.

And, like 2,385 other places around the world, Queensland's Moreton Bay also shares another special bond with this small Iranian town. For Moreton Bay, and all other designated wetlands of international importance scattered across the globe, enjoys the protection of the one of the world's very first international conservation treaties, signed by 18 nations on 2 February 1971, in the Iranian town of Ramsar, and since ratified by more than 170 other countries.

Now, almost 50 years on, the very basis of the Ramsar convention, that of the 'wise use' of wetlands, which ornithologists and scientists have deemed as the best possible way to conserve, restore and protect the world's wetlands and flyways, is under threat.

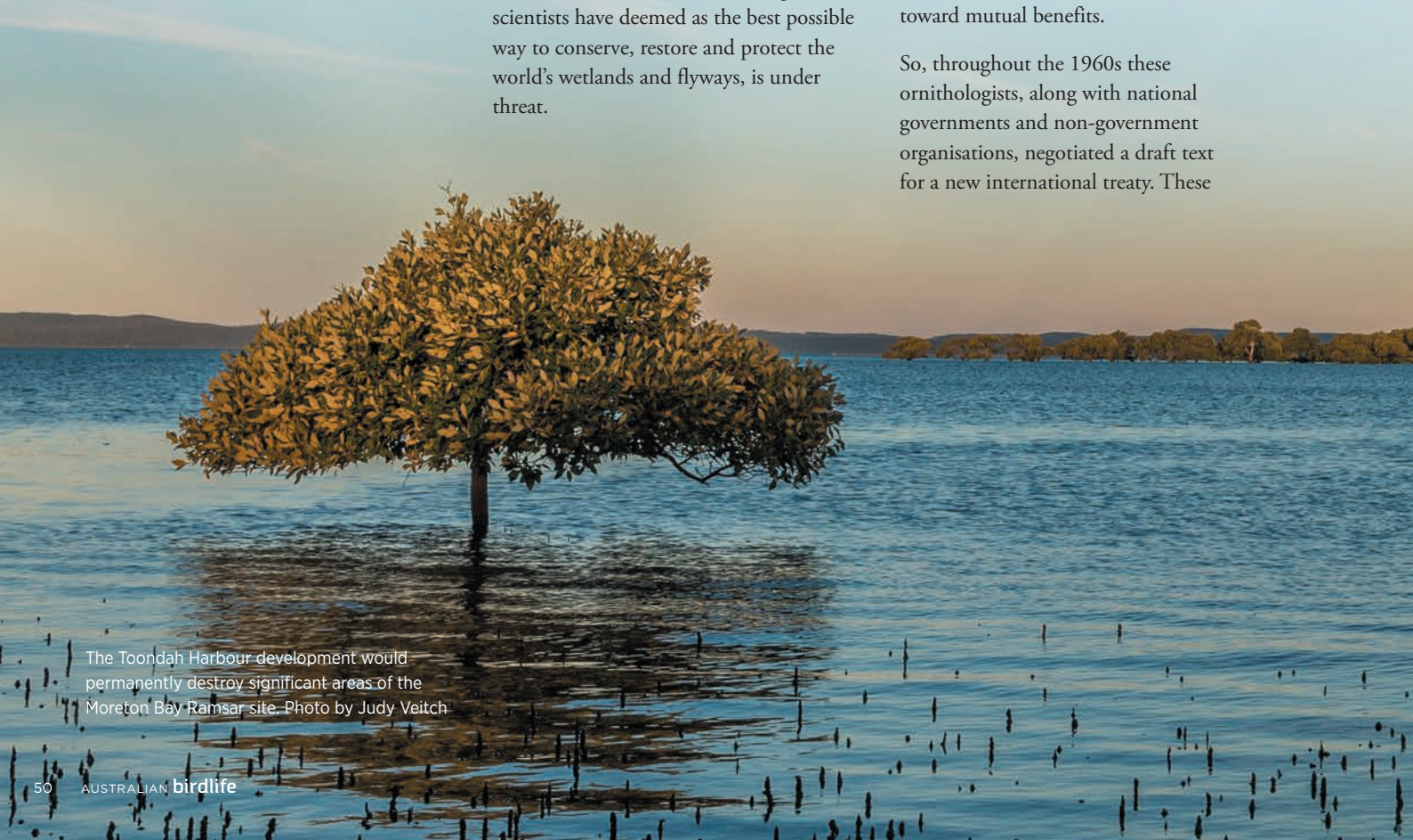
Although these two little words seem fairly straightforward, how they are interpreted will decide the fate of one of Australia's most contentious coastal development projects, Toondah Harbour. And the decisions and key events surrounding the Toondah Harbour development will, for better or worse, have ripple effects for global wetland conservation and the future of the Ramsar treaty itself.

## **A Convention for wetlands and birds**

There are a number of modern international treaties to protect the world's natural environment and biodiversity, but the Ramsar Convention is the only one that was designed to protect a specific ecosystem—wetlands.

This idea for an international treaty to protect wetlands first came about from the concern of ornithologists over the troubling trend of the decreasing populations of migratory waterbirds and the loss of their wetland habitats. In order to halt the declines, they knew it would take strong international cooperation and commitment toward mutual benefits.

So, throughout the 1960s these ornithologists, along with national governments and non-government organisations, negotiated a draft text for a new international treaty. These



The Toondah Harbour development would permanently destroy significant areas of the Moreton Bay Ramsar site. Photo by Judy Veitch

# IN THE MUD

negotiations came to a head in February 1971 in Ramsar, with signatories agreeing to a mission to halt the increasing loss and degradation of the world's wetland habitats.

Although Australia was not an official part of that delegation back in 1971, it has nonetheless played a significant part throughout its history, most notably by being the first Contracting Party in 1974 and listing the world's first Ramsar Wetland of International Importance: the Northern Territory's Cobourg Peninsula, in 1975.

Over four decades later, Australia still has a major role to play—when it decides the fate of Toondah Harbour later this year.

## **Wetlands are still declining, and threats are growing**

Since the Convention was signed in 1971, the number of Ramsar sites has grown to 2,386, a mass covering a total surface area of more than 250 million hectares, or roughly the area of Western Australia.

Unfortunately, over that same period the world's wetlands have declined by 35 per cent.

The 2018 Global Wetland Outlook Report states that this decline is at a rate three times greater than the loss of the world's forests and puts over a quarter of wetland species at risk of extinction. The Report found that the key drivers for this decline have been the conversion of habitats (particularly infrastructure

development in urban areas, river valleys and coastal areas), extraction activities and the emerging threat of climate change and rising sea-levels. Alarming, the remaining wetlands that have not been destroyed are now suffering from pollution, invasive species, unsustainable use and disrupted flow regimes.

Many of the wetland species at risk of extinction include migratory shorebirds that have seen some populations decline by as much as 80 per cent over the last 30 years. Large-scale coastal wetland loss in East Asia from land reclamation and development is one of the biggest contributors to the decline in migratory shorebirds, but the cumulative loss and degradation of their coastal habitat all along the East Asian–Australasian Flyway, including Australia, is having an impact.

Although the Ramsar Convention is not binding—it has no punitive sanctions for violations or mechanisms to hold Contracting Parties accountable to their commitments—Australia has included its obligations to the convention in our key national nature law, the Environment Protection & Biodiversity Conservation Act. Ramsar Sites are legislatively protected as a Matter of National Environmental Significance, which requires that any actions that have, or are likely to have, a significant impact require approval from the Minister for the Environment.

Our international obligations and national legislation should stop negative environmental impacts, but throughout its 20-year history we have seen the EPBC Act fail to adequately protect and conserve the environment and biodiversity. Nowhere is this more evident than at Toondah Harbour.

## **Toondah Harbour: a test of strength**

Moreton Bay was designated as a Ramsar Site in 1993 and meets all nine Ramsar criteria including supporting over 50,000 waterbirds and over one per cent of the world's population of nine migratory shorebird species. Moreton Bay holds particular significance for the Critically Endangered Eastern Curlew by supporting up to 6.5 per cent of the world's population. We now recognise it as the single most important site for Eastern Curlews in Australia.

This has not stopped the Walker Corporation, one of the largest and wealthiest private development companies in Australia, from proposing to develop part of the wetlands at Toondah Harbour into a mixed-use residential and commercial precinct. Since 2015 there have been three separate iterations of Walker Corporation's development plan, with the latest to include 3,600 residential dwellings and a 200-berth marina.



In order for the development to proceed, a significant area of the Moreton Bay Ramsar Site and important feeding mudflats for Eastern Curlew will be permanently destroyed, affecting wetlands beyond the development footprint. Experts within the federal Department of Environment clearly have issues with the Walker Corporation's plans and have previously advised the Minister for the Environment to reject the plan, stating that the project will likely "have significant impacts on the ecological character of the Moreton Bay Ramsar wetland" and concluding that "the impacts on the ecological character of the site will be difficult to mitigate and offset." The Minister ignored this expert advice and progressed the development to an environmental assessment, which will allow the Walker Corporation to build its case for destroying the site.

The Ramsar Convention recognises that urban development should be planned and managed in a sustainable way but makes it clear that any further degradation or loss of wetlands as a result of urban development should be avoided. However, there are two mechanisms that allow for development within a Ramsar Site.

First, a Contracting Party can delete or restrict the boundaries of a Ramsar site if it can prove that doing so is in the urgent national interest. This is a very rare occurrence and has generally been used for major military or public infrastructure projects like ports, airports or military bases. It would be very hard to argue that a private development that benefits a limited number of people is in the urgent national interest.

That leaves the only other option—the wise use of wetlands. Generally, the wise use concept has been interpreted as traditional farming and fishing practices like rice farming within the Xe Champhone Ramsar site in Laos. The Convention's current definition of the wise use of wetlands is "the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development." The Walker Corporation has a very large hill to climb to make the case that their proposal to destroy parts of the Moreton Bay Ramsar site and

feeding habitat for a Critically Endangered species is the wise use of wetlands and maintains its ecological character.


Toondah Harbour will determine how seriously Australia takes its national and international commitments to biodiversity conservation and will ultimately be the test of the strength of the Ramsar Convention. A private development of this scale, within internationally important wetlands, has never been approved in Australia and is neither in the urgent national interest nor wise use of wetlands.

Indeed, what happens at Toondah Harbour will have global repercussions. Ramsar Sites are designated for a reason and must be protected and conserved using the full scope of local, state and federal environmental law. If the Federal Government does not take its international obligations seriously, Australia's reputation, both home and abroad, is at stake.

### The world is watching

It was just last year that Australia played a major role in protecting threatened migratory shorebird habitat in China's Yellow Sea through a different international treaty, the World Heritage Convention. The Australian Government delegation played a crucial leading role in securing a positive decision from the World Heritage Committee and this year Australia has the opportunity to continue that leadership.

Will Australia uphold our obligations and reject the inappropriate Toondah Harbour development? Or will it set the dangerous precedent that the wise use of wetlands is permanently destroying them to make way for private developments? We will soon have an answer as the Federal Government will make their decision on this issue in the next 12 months. In the meantime, we need your voice. Together, we can save Toondah.

 **Learn more about the Ramsar Convention at [ramsar.org](http://ramsar.org) and find out how you can get involved in our campaign to protect the wetlands of Toondah Harbour at [actforbirds.org/savetoondah](http://actforbirds.org/savetoondah)**



### Shandong Yellow River Delta Wetland

**Date listed:** 2012

**Key threats:** Urbanisation and coastal development, pollution, irrigation and aquaculture

The Shandong Yellow River Delta Wetland in China supports over 20,000 individual waterbirds and over one per cent of the global population of 38 species including the Eastern Curlew and Bar-tailed Godwit.



### Seocheon Tidal Flat

**Date listed:** 1997

**Key threats:** Urbanisation and coastal development, altered hydrology, pollution, over harvesting

South Korea's Seocheon Tidal Flat supports seven internationally threatened species including the Critically Endangered Spoon-billed Sandpiper and over one per cent of the global population of Eurasian Oystercatchers and Eastern Curlews.

#### Clockwise, from top right:

Great Knot. Photo by Shutterstock  
Pacific Golden Plover. Photo by Dean Ingwersen  
Grey-tailed Tattler. Photo by Meadow Bell  
Spoon-billed Sandpiper. Photo by Shutterstock  
Bar-tailed Godwit. Photo by Duade Paton

THE EAST ASIAN-AUSTRALASIAN FLYWAY NETWORK: FIVE KEY RAMSAR SITES



**Moroshechnaya Estuary**

**Date listed:** 1994

**Key threats:** Climate change

Russia's remote Moroshechnaya Estuary supports tens of thousands of waders including significant breeding populations of a huge variety of migratory shorebirds including Red-necked Stints, Whimbrels, Great Knots and Bar-tailed Godwits.



**Moreton Bay**

**Date listed:** 1993

**Key threats:** Urbanisation and coastal development, pollution, recreational disturbance, climate change

Queensland's Moreton Bay supports more than 50,000 individual waterbirds and over one per cent of the global populations of Eastern Curlews and Grey-tailed Tattlers.

**Port Phillip Bay and Bellarine Peninsula**

**Date listed:** 1999

**Key threats:** Invasive species, recreational disturbance, urbanisation and coastal development

Port Phillip Bay and the Bellarine Peninsula support more than 20,000 individual waterbirds and over one per cent of the global populations of Eastern Curlews, Grey Plovers, Double-banded Plovers and Pacific Golden Plovers.

